

Message

From: Schoellkopf, Lynde [Schoellkopf.Lynde@epa.gov]
Sent: 5/4/2021 4:07:37 PM
To: Robinson, Jeffrey [Robinson.Jeffrey@epa.gov]
CC: Verhalen, Frances [verhalen.frances@epa.gov]
Subject: Note to NMED on Sterigenics

FYI—

Begin forwarded message:

From: "Schoellkopf, Lynde" <Schoellkopf.Lynde@epa.gov>
Date: May 3, 2021 at 12:46:00 PM CDT
To: "McGuire, James" <McGuire.James@epa.gov>, "Baizel, Bruce, NMENV" <Bruce.Baizel@state.nm.us>
Cc: "Khoury, Cholla" <ckhoury@nmag.gov>
Subject: RE: [EXT]

Good Afternoon,

I serve as the Branch Chief for ORC's Multimedia Counseling Division. To date, our section has not received any information on the state case. This could be a symptom of office closure, delays in mail, etc. Unfortunately, we also do not have access to PACER or access to state law matters on Westlaw. To get caught up and to best determine when/where/how EPA has been brought into the matter – I am hoping there is someone from your respective offices that could please send the entire state case file (pleadings, filings, etc.). That will help determine a path forward and better understand where any correspondence may have been mailed. I am a bit surprised to see that EPA is subject to an order to file an amicus brief and the timing of such – if you all have been in touch with someone from our Headquarters office on the matter, please let us know. I will need to coordinate with our Office of General Counsel who typically has the lead on litigation matters in coordination with DOJ – but here we are not in the typical Petitioner/Respondent context. Thank you in advance for any assistance and information you can provide.

Lynde Schoellkopf

Lynde Schoellkopf | US EPA Region 6 | Office of Regional Counsel | Multimedia Counseling | 1201 Elm Street, Suite 500 | Dallas, Texas 75270 | phone: w: (214) 665-7359/c: (469) 597-0603

From: McGuire, James <McGuire.James@epa.gov>
Sent: Monday, May 03, 2021 12:33 PM
To: Baizel, Bruce, NMENV <Bruce.Baizel@state.nm.us>
Cc: Khoury, Cholla <ckhoury@nmag.gov>; Schoellkopf, Lynde <Schoellkopf.Lynde@epa.gov>
Subject: RE: [EXT]

Thanks Bruce and Cholla. Lynde Schoellkopf is lead on this for EPA Region 6 so I am copying her as well.

Thanks,

James McGuire
Regional Counsel, EPA Region 6
214-665-6560

From: Baizel, Bruce, NMENV <Bruce.Baizel@state.nm.us>
Sent: Monday, May 3, 2021 11:59 AM
To: McGuire, James <McGuire.James@epa.gov>
Cc: Khoury, Cholla <ckhoury@nmag.gov>
Subject: RE: [EXT]

You are welcome. Cholla Khoury, copied here, would be the appropriate contact at the NM AG's office. I am the appropriate point of contact here at NMED.

Bruce

From: McGuire, James <McGuire.James@epa.gov>
Sent: Monday, May 3, 2021 10:50 AM
To: Baizel, Bruce, NMENV <Bruce.Baizel@state.nm.us>
Subject: RE: [EXT]

Received, many thanks Bruce! Is there a case attorney at NMED or NM AG's office we could use as an appropriate point of contact?

Thanks,

James McGuire
Regional Counsel, EPA Region 6
214-665-6560

From: Baizel, Bruce, NMENV <Bruce.Baizel@state.nm.us>
Sent: Monday, May 3, 2021 11:47 AM
To: McGuire, James <McGuire.James@epa.gov>
Subject: RE: [EXT]

Here is the order, James. 45 days from April 22. Let me know if you need the pleadings to see the issues. I think in part this stems from the question of assertion of primary jurisdiction, or not.

Bruce

From: McGuire, James <McGuire.James@epa.gov>
Sent: Monday, May 3, 2021 10:31 AM
To: Baizel, Bruce, NMENV <Bruce.Baizel@state.nm.us>
Subject: RE: [EXT]

Great, I am in a meeting right now that should wrap up in the next 10-15 minutes. What is the best number to reach you at?

Thanks,

James McGuire
Regional Counsel, EPA Region 6
214-665-6560

From: Baizel, Bruce, NMENV <Bruce.Baizel@state.nm.us>
Sent: Monday, May 3, 2021 11:29 AM
To: McGuire, James <McGuire.James@epa.gov>
Subject: RE: [EXT]

Morning James

Yes, this morning is unscheduled so I am able to talk.

Bruce

From: McGuire, James <McGuire.James@epa.gov>
Sent: Monday, May 3, 2021 10:24 AM
To: Baizel, Bruce, NMENV <Bruce.Baizel@state.nm.us>
Subject: [EXT]

Bruce-

Do you have a minute today? I have a quick question for you.

Thanks,

James McGuire
Regional Counsel
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
214-665-6560